

REMARKS

By this amendment, Claims 1, 11, 21, and 22 have been amended, and Claims 3, 13, 24, and 32 have been cancelled. No claims have been added. Consequently, Claims 1-2, 4-8, 10-12, 14-18, 20-23, 25-31, and 33-38 are pending in the application.

SUMMARY OF THE REJECTIONS

Claims 1-7, 10-17, 20-28, 30-36, and 38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over "RSVP Receiver Proxy" by Gai et al. ("*Gai*") in view of U.S. Patent Number 6,101,549 issued to Baugher et al. ("*Baugher*") in view of U.S. Patent U.S. Patent Number 6,765,927 by Martin et al. ("*Martin*") in view of U.S. Patent Application No. 2004/0022191 A1 by Bernet et al. ("*Bernet*") in view of "Resource Reservation Protocol (RSVP) Version 1 Function Specification" by Branden et al. ("*Branden*"). Claims 8, 18, 29, and 37 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Gai* in view of *Baugher* in view of *Martin* in view of *Bernet* in view of *Branden* in view of "Speech communication for working group based on LAN" by Lin et al. ("*Lin*"). The rejections are respectfully traversed.

INTERVIEW SUMMARY

The Applicants thank the Examiner for the Interview conducted on January 11, 2005. The interview was between Examiner Ferris and the Applicant's Attorney, Christopher J. Brokaw. Pending Claim 1 that was rejected in the Office Action was discussed with reference to *Gai* and *Martin*. No agreement was reached. The Applicants are providing herein the amendments that were proposed during the interview.

NONOBVIOUSNESS ISSUES—GAI REFERENCE

The combination of asserted references based on *Gai*, even if properly combined, fail to teach the all the subject matter asserted in the Office Action or the entire subject matter that is claimed in the amended claims. In particular, each of the amended claims is either an independent claim that literally recites, or depends directly or indirectly from an independent claim that literally recites, a feature not present in the combination of references cited.

To illustrate, Claim 1 features:

- storing, at the proxy node, policy information defining whether the proxy node should initiate network resources reservations for particular traffic flows;
- detecting a first RSVP Path message associated with the anticipated receiver of the anticipated traffic flow at a router, acting as a proxy node, located within the path;
- determining, at the proxy node and based on the policy information stored at the proxy node and without receiving the policy information from a policy server residing on the network, whether to establish the network resources reservation;
- generating, at the proxy node, an RESV message to reserve network resources for the anticipated traffic flow;
- communicating the RESV message to the anticipated source of the anticipated traffic flow;
- wherein the step of determining, at the proxy node, whether to establish the network resources reservation includes the steps of:
 - determining one or more network parameter values associated with the anticipated traffic flow;
 - determining one or more transport parameter values associated with the anticipated traffic flow;
 - determining next and previous hop parameter values associated with the anticipated traffic flow; and
 - correlating at least one of the ascertained network parameter, transport parameter, next hop parameter, and previous hop parameter values with information defining a relationship between them and whether a RESV message is desired (emphasis added).

The above-combination of elements are not shown, taught, or suggested by the cited art references, either individually or in combination.

The above-underlined claim features advantageously enable the proxy node to determine whether to establish the network resources reservation based on the policy information stored at the proxy node, without receiving the policy information from a policy server residing on the network. For example, a router stores its own policy information; anticipates a need for a resource reservation, and independently determines whether to create a reservation. The claim amendments made herein are made to better articulate the inventive techniques featured in the pending claims. Support for the claim amendments made herein may be found in the Applicants' specification generally on page 7, line 1 to page 32, line 15, and more specifically, on page 16, line 1 to page 17, line 10.

Gai Does Not Show Numerous Elements Of Claim 1

Gai fails to teach, disclose, or suggest each of the above-underlined claim features. No portion of *Gai* suggests (a) storing, at the proxy node, policy information defining whether the proxy node should initiate network resources reservations for particular traffic flows, or (b) determining, at the proxy node, whether to establish the network resources reservation based on the policy information stored at the proxy node. In sharp contrast, *Gai* instead teaches that a "router (R1) receives this message [a RSVP Path message] and it communicates with the policy server (See PS1 in FIG. 1 of *Gai*) for a decision on how to treat the Path message. It copies all the relevant information contained in the Path message to the policy server. The policy server communicates a decision to R1 to not forward the Path message, but instead to originate and send a Resv message to H1." See *Gai*, page 6 and FIG. 1 on page 5.

Gai further states that in order to "implement both RSVP and RSVP Receiver Proxy the policy server needs to specify a set of decisions [COPS-RSVP-EXT] which is extended

compared to COPS-RSVP [COPS-RSVP]. If the decision is to accept the Path message, the decision message must specify how the network devices behaves with respect to each of the following: forwarding of the path message, originating a RSVP message, and processing and possibly forwarding a RSVP RESV message" (See section 4 of *Gai*).

The Advisory Action of June 23, 2004 acknowledges, "the policy server makes a determination based on relevant information contained in the PATH message. The policy server then makes a decision as to whether to generate an RESV message based on this received information, see e.g., page 7 of *Gai*." Indeed, the Office Action of November 12, 2004 states "*Gai* teaches that both the proxy receiver and the policy server are used for a determination step, see e.g., page 7 of *Gai*."

Thus, no portion of *Gai* discloses, teaches, or suggests the element of "storing, at the proxy node, policy information defining whether the proxy node should initiate network resources reservations for particular traffic flows." Indeed, not only does *Gai* not show this element, but *Gai* teaches away from this element by teaching that policy information is stored external to the proxy node in a policy server.

Further, as explained above, no portion of *Gai* discloses, teaches, or suggests the element of "determining, at the proxy node and based on the policy information stored at the proxy node and without receiving the policy information from a policy server residing on the network, whether to establish the network resources reservation." In the approach of *Gai*, the router communicates with a policy server to assist the determination of whether to establish a network resources reservation. Consequently, it is respectfully submitted that multiple elements of Claim 1 are not disclosed, taught, or suggested by *Gai*.

Martin Does Not Show Numerous Elements of Claim 1

In acknowledging that “it also may not be clear from *Gai* that the proxy receiver makes a step of determination with respect to determining, at a proxy node, whether to establish the network resource reservation,” *Martin* (at Col. 6, lines 1-24) is relied upon to show a motivation for a person skilled in the art to perform the step of determining at the proxy receiver.

Significantly, as discussed below, *Martin* lacks any showing of numerous claims elements.

Martin also fails to teach, disclose, or suggest the above-underlined elements. *Martin* discloses a system wherein an edge switch receives policy information from a policy server to aid in the determination of whether or not to accept a RSVP reservation, as evidenced below:

“Edge switch 160 receives the RSVP message, and, in conjunction with policy server 170 and in accordance with the RSVP router function, determines whether or not to accept the reservation.” (Col. 3, lines 36-40).

“Rules defining applicable QoS limitations and conditions are ‘pulled down’ to policy manager 243 from policy server 150 and applied in the determination.” (Col. 4, lines 19-22).

“Policy servers 450, 470 retain quality of service (QoS) rules for application on switches 440, 460, respectively, based on flow characteristics.” (Col. 5, lines 48-49).

“Switch 440 determines, in conjunction with policy server 450 and in accordance with the RSVP router function, whether to accept the reservation itself prior to transmitting the RSVP Resv message back up the flowpath on backbone network 430. The RSVP Resv message traverses switches in backbone network 430 and switch 460, whereat it is determined hop-by-hop in accordance with the RSVP router function whether to accept the reservation, with switch 460 making the determination in conjunction with policy server 470.” (Col. 6, lines 15-24).

“Rules defining application QoS limitations and conditions are ‘pulled down’ to policy manager 543 from policy server 450 and applied in the determination.” (Col. 6, line 66 – Col. 7, line 1).

Thus, no portion of *Martin* discloses, teaches, or suggests the element of “storing, at the proxy node, policy information defining whether the proxy node should initiate network resources reservations for particular traffic flows”. Indeed, not only does *Martin* not show this element, but *Martin* teaches away from this element by teaching that policy information is stored external to the proxy node in a policy server. For example, in Figure 4 of *Martin*, policy servers 450, 470 retain QoS rules for application on switches 440, 460, respectively, based on flow characteristics. Switch 460 makes the determination of whether to accept a RESV reservation in conjunction with policy server 470. (See Col. 5, lines 48-50; Col. 6, lines 15-24). Thus, *Martin* makes clear that switch 460 of Figure 4 does not store policy information regarding whether the proxy node should initiate the network resources reservation.

Further, as explained above, no portion of *Martin* discloses, teaches, or suggests the element of “determining, at the proxy node and based on the policy information stored at the proxy node and without receiving the policy information from a policy server residing on the network, whether to establish the network resources reservation.” In the approach of *Martin*, the edge switch communicates with a policy server to determine whether to establish the network resources reservation. Consequently, it is respectfully submitted that multiple elements of Claim 1 are not disclosed, taught, or suggested by *Martin*.

Claim 1 is not Shown by the Cited Art, Either Individually or in Combination

The Office Action does not rely on *Baughner*, *Bernet*, *Braden*, or *Lin* to show, nor do they show, the element of “determining, at the proxy node and based on the policy information stored at the proxy node and without receiving the policy information from a policy server residing on the network, whether to establish the network resources reservation.” Further, *Baughner*, *Bernet*,
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Braden, or *Lin* fail to disclose, teach, or suggest the element of “storing, at the proxy node, policy information defining whether the proxy node should initiate network resources reservations for particular traffic flows.” As shown above, both *Gai* and *Martin* fail to disclose, teach, or suggest the above-discussed claim features. Thus, even if the combination of references were to be properly combined, the resulting combination would fail to show the combination of elements featured in Claim 1. Consequently, it is respectfully submitted that Claim 1 is patentable over the cited art, and is in condition for allowance.

Claims 2, 4-8, 10-12, 14-18, 20-23, 25-31, and 33-38 are not Shown by the Cited Art

Either Individually or in Combination

Claims 11, 21, and 22 are independent claims that each feature limitations that are similar to those discussed above with reference to Claim 1, except that Claim 11 is recited in a computer-readable medium format, Claim 21 is recited in a system format, and Claim 22 is recited in a device format. Consequently, it is respectfully submitted that Claims 11, 21, and 22 are patentable over the cited art, either taken individually or in combination, for at least the same reasons as given above with respect to Claim 1.

Claims 2, 4-8, 10, 12, 14-18, 20, 23, 25-31, and 33-38 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 2, 4-8, 10, 12, 14-18, 20, 23, 25-31, and 33-38 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of Claims 2, 4-8, 10, 12, 14-18, 20, 23, 25-31, and 33-38 introduces one or more additional limitations that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those limitations is not included at this

time, although the Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

Applicants respectfully request reconsideration and withdrawal of the rejection under §103.


CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages Deposit Account No. 50-1302.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

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On January 12, 2005 By


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